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FACSIMILE

DATE: November 02, 2004
OFFICIAL PAPER

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Please deliver this and the following pages to:

Examiner: **Jeffrey Norman Fredman**
U.S.P.T.O. Group Art Unit: **1637**
Telecopier No.: **703 872 9306**
U.S. Serial No.: **10/024,818**
Client/Matter No.: **GLIS-0143**
Sender's Name: **Thomas S. Kim**
Pages to Follow: **7**

If transmission is not complete, please call our **Philadelphia Office** at **(215) 568-3100**.

COVER MESSAGE:

OFFICIAL FACSIMILE. PLEASE DELIVER TO EXAMINER IMMEDIATELY.

Attached hereto is/are the following documents:

- 1) Reply Transmittal Letter; authorization to charge deposit account \$110.00
- 2) Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection of a Pending Second Application

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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DOCKET NO.: GLIS-0143

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PATENT

NOV 02 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Brian Froehler, et al.

Confirmation No.: 3496

Application No.: 10/024,818

Group Art Unit: 1637

Filing Date: December 18, 2001

Examiner: Jeffrey Norman Fredman

For: **Enhanced Triple-Helix and Double-Helix Formation With Oligomers Containing Modified Pyrimidines**

CERTIFICATE OF FACSIMILE TRANSMISSION

DATE

I HEREBY CERTIFY THAT THIS PAPER IS BEING
FACSIMILE TRANSMITTED TO THE PATENT AND
TRADEMARK OFFICE TO FACSIMILE NUMBER 703
872 9306 ON THE DATE LISTED ABOVE


Thomas S. Kim REG NO. 51,009

☒ MS Amendment ☐ MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☐ A Reply Responsive to the Office Action Dated
- ☐ A Reply Supplemental to the Paper filed
- ☐ A Substitute Specification (pages 1 -) in clean form.
 - ☐ A substitute specification (pages 1 -) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures

DOCKET NO.: GLIS-0143

PATENT

- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.
- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.
- ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☒ A Terminal Disclaimer is attached.
- ☐ Appendices as follows:
- ☐ Other
- ☐ No Additional Fee is Due.
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

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PATENT

	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	SMALL ENTITY		NOT SMALL ENTITY	
				RATE	FEE	RATE	FEE
TOTAL CLAIMS		(20 MINIMUM)		\$9 EACH	\$	\$18 EACH	\$
INDEP. CLAIMS		(3 MINIMUM)		\$43 EACH	\$	\$86 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$	\$290	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$	\$420	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$
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<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input checked="" type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$110.00
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$		\$110.00

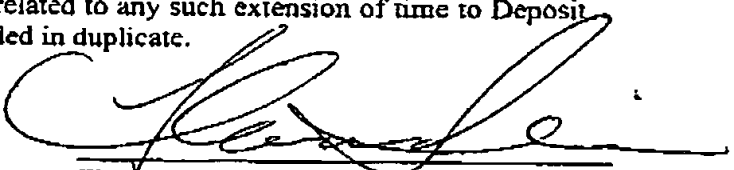
- ☐ A check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☒ Please charge Deposit Account No. 23-3050 in the amount of **\$110.00**. This sheet is attached in duplicate.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of to and through comprising an extension of the shortened statutory period of month(s).

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- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: November 2, 2004


Thomas S. Kim
Registration No. 51,009

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Group Art Unit: 1637

Filing Date: December 18, 2001

Examiner: Jeffrey Norman Fredman

For: Enhanced Triple-Helix And Double-Helix Formation With Oligomers
Containing Modified Pyrimidines

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OF A PENDING SECOND APPLICATION

The owner, **ISIS Pharmaceuticals, Inc.**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/294,203, filed on November 14, 2002. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the

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PATENT

event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

- ☐ 1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
- ☐ 2. The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- ☒ 2. The undersigned is an attorney of record.

FEE STATUS

- ☐ 3. Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ 4. Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:

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PATENT

- ☐ an Independent Inventor
- ☐ a Small Business Concern
- ☐ a Nonprofit Organization
- ☐ Small Entity - \$55.00

- ☒ 5. Other than a Small Entity - \$110.00

Date: November 2, 2004


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Registration No. 51,009

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